IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 584 of 2005
In
Chamber Summons No. 755 of 2004
In
Executive Application No. 329 of 1997
In
Arbitration Petition No. 112 of 1997
In
Award No. 79 of 1997

Ashok Bimal Ghosh .. Appellant
V/s.
Rajendra Y. Shah & Ors. .. Respondents

Mr. Uday Bobde i/b. Mr. Dinesh Guehiya for the Appellant
Mr. A.V. Doijode for the Respondent Nos. 1 to 3
Mr. P.N. Mody with Mr. Sagar Diwekar i/b. M/s. Wadia Ghandy & Co. for the Respondent No. 4

CORAM : DR. S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 15.07.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondents.

2. By this Appeal, the Appellant is seeking to challenge the order dated 20.6.2005 passed by the learned Single Judge in Chamber Summons No. 755 of 2004. The order passed by the learned Single Judge in the said Chamber Summons is a consequential order based on an earlier order passed on 21.12.2004.

3. It appears that the Appellant, in fact has filed an Appeal against the said order dated 21.12.2004 in December itself, however, the Appellant has not even

bothered to get the Appeal numbered till date and the

said Appeal is not placed before us. The present order dated 20.6.2005 very correctly observes that if the cards were not sold before 1st July, 2005, even the bidder with highest offer of Rs. 48,00,000/-, will back out.

4. Over and above, we have also perused order dated 29.6.2005, which makes it clear that the sale has already taken place and the amount has been deposited with the Prothonotary and Senior Master, High Court, Mumbai. Under these circumstances, we do not find any illegality in the order dated 20.6.2005. Appeal is devoid of merits, the same stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)